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| SAWYER LAW GROUP LLP PO BOX 51418 PALO ALTO, CA 94303 | | | EXAMINER BHATIA, AJAY M | |
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/063,402
Filing Date: April 18, 2002
Appellant(s): CHILDS ET AL.

Philip Childs, Jeffrey Estroff, Michael Vanover
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 19, 2006 appealing from the Office action mailed September 20, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

GROUND OF REJECTION NOT ON REVIEW

The following grounds of rejection have not been withdrawn by the examiner, but they are not under review on appeal because they have not been presented for review in the appellant's brief. Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Batten-Carew et al.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| | | |
|-----------|---------------------|---------|
| 5,968,177 | Batten-Carew et al. | 10-1999 |
| 6,181,803 | Davis | 1-2001 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 5-7, 9-13, 15, 17-20, and 23 rejected under 35 U.S.C. 102(b) as being anticipated by Batten-Carew et al. (U.S. Patent 5,968,177).

For claim 5, Batten-Carew teaches, a method for autonomic administration isolation for a secure remote management in a computer network, the method comprising:

(a) isolating administrative access to a plurality of client systems in a computer network via a data center; (Batten-Carew, figure 1, for example the administrator 18 is separated by serving entity 12 from end-users 36, 38 40, Col. 6 lines 9-22)

and (b) utilizing the data center to control remote initiation of services in the plurality of client systems by an administrator system, the administrator system being a computer through which an administrator manages at least one of the plurality of clients systems, wherein utilizing the data center further includes; (Batten-Carew , figure 1, Col. 6 lines 9-22)

(b1) verifying authentication of the administrator system by the data center.
(Batten-Carew , Col. 4 lines 32-44, Col. 6 lines 42-52, Col. 7 line 65 to Col. 8 line 14)

(b2) receiving a service command from the authenticated administrator system in the data center. (Batten-Carew , Col. 4 lines 32-44, Col. 6 lines 9-22, I. 6 lines 42-52, Col. 7 line 65 to Col. 8 line 14)

(b3) determining in the data center whether the authenticated administrator system has authorization to perform the service command in the at least one managed client system. (Batten-Carew , Col. 3 lines 41-61, Col. 4 lines 12-21, Col. 4 lines 32-44, Col. 4 lines 45-57, Col. 7 line 65 to Col. 8 line 14)

(b4) issuing a trusted message from the data center to the at least one managed client system when the authenticated administrator system does have authorization to perform the service command. (Batten-Carew , Col. 3 lines 41-61, Col. 4 lines 9-21, Col. 4 lines 32-44, Col. 4 lines 45-67, Col. 5 lines 4-11, Col. 7 line 65 to Col. 8 line 14, Col. 6 lines 9-22)

For claim 6, Batten-Carew teaches, the method of claim 5 further comprising (c) validating and decrypting the trusted message in the at least one managed client

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system to perform the service command. (Batten-Carew , Col. 4 lines 45-57, Col. 6 lines 9-22, Col. 7 lines 30-34, Col. 7 lines 35-48, Col. 7 line 65 to Col. 8 line 14)

For claim 7, Batten-Carew teaches, an autonomic system for selective administration isolation for secure remote management in a computer network, the system comprising:

a network; (Batten-Carew , Col. 3 lines 20-26, Col. 5 lines 24-34)

at least one administrator system coupled to the network, the at least one administrator system operable to transmit one or more service commands for managing one or more client systems; (Batten-Carew , Col. 6 lines 9-22)

at least one client system coupled to the network; (Batten-Carew , Col. 3 lines 20-26, Col. 5 lines 24-34)

and a data center coupled to the at least one administrator system and to the at least one client system via the network, the data center for:

isolating administrative access to the at least one client system and controlling remote initiation of services in the at least one client system by the at least one administrator system including. (Batten-Carew , figure 1, for example the administrator 18 is separated by serving entity 12 from end-users 36, 38 40, Col. 6 lines 9-22, Col. 4 lines 45-57, Col. 7 lines 30-34, Col. 7 lines 35-48, Col. 7 line 65 to Col. 8 line 14)

For claim 9, Batten-Carew teaches, the system of claim 7 wherein the data center verifies authentication of the at least one administrator system. (Batten-Carew , Col. 3

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lines 41-61, Col. 4 lines 12-21, Col. 4 lines 32-44, Col. 4 lines 45-57, Col. 7 line 65 to Col. 8 line 14)

For claim 10, Batten-Carew teaches, the system of claim 7 wherein the authentication of a second user associated with the data center includes a user ID and password known only to the data center includes a user ID and password known only to the data center and an agent running on the at least one client system. (see Batten-Carew, Col. 6 lines 9-22, Col. 3 lines 41-61, Col. 4 lines 12-21, Col. 4 lines 32-44, Col. 4 lines 45-57, Col. 7 line 65 to Col. 8 line 14)

For claim 11, Batten-Carew teaches, the system of claim 9 wherein the data center determines whether the authenticated administrator system had authorization to perform the service command in the at least one client system prior to issuing the trusted message to the at least one client system. (see Battent-Carew, Col. 4 lines 45-57, Col. 7 lines 30-34, Col. 7 lines 35-48, Col. 7 line 65 to Col. 8 line 14)

For claim 12, Batten-Carew teaches, the system of claim 11 wherein the data center issues a trusted message to the at least one client system when the authenticated administrator system does have authorization to perform the service command. (Batten-Carew , Col. 3 lines 41-61, Col. 4 lines 12-21, Col. 4 lines 32-44, Col. 4 lines 45-57, Col. 7 line 65 to Col. 8 line 14)

For claim 13, Batten-Carew teaches, the system of claim 12 wherein the at least one client system validates and decrypts the trusted message to perform the service command. (Batten-Carew , Col. 4 lines 45-57, Col. 7 lines 30-34, Col. 7 lines 35-48, Col. 7 line 65 to Col. 8 line 14)

For claim 19, Batten-Carew teaches, a computer readable medium containing program instruction for autonomic administration isolation in a computer network for a secure remote management, the program instruction for:

(a) isolating administrative access to plurality of client systems in a computer network via a data center; (Batten-Carew , figure 1, for example the administrator 18 is separated by serving entity 12 from end-users 36, 38 40, Col. 6 lines 9-22, Col. 4 lines 45-57, Col. 7 lines 30-34, Col. 7 lines 35-48, Col. 7 line 65 to Col. 8 line 14)

and (b) controlling remote initiation of services in the plurality of client system by an administrator system via the data center, the administrator system being a computer through which an administrator manages at least one of the plurality of client systems, wherein controlling remote initiation of services via the data center includes; (Batten-Carew , Col. 6 lines 9-22, Col. 3 lines 41-61, Col. 4 lines 12-21, Col. 4 lines 32-44, Col. 4 lines 45-57, Col. 7 line 65 to Col. 8 line 14)

(b1) verifying authentication of the administrator system by the data center.
(Batten-Carew , Col. 4 lines 32-44, Col. 6 lines 42-52, Col. 7 line 65 to Col. 8 line 14)

(b2) receiving a service command from the authenticated administrator system in the data center. (Batten-Carew , Col. 3 lines 41-61, Col. 4 lines 12-21, Col. 4 lines 32-44, Col. 4 lines 45-57, Col. 7 line 65 to Col. 8 line 14, Col. 4 lines 32-44, Col. 6 lines 42-52)

(b3) determining the data center whether the authenticated administrator system has authorization perform the service command in the at least one managed client system. (Batten-Carew , Col. 4 lines 32-44, Col. 6 lines 42-52, Col. 7 line 65 to Col. 8 line 14, Col. 3 lines 41-61, Col. 4 lines 12-21, Col. 4 lines 32-44, Col. 4 lines 45-57)

(b4) issuing a trusted message from the data center to the at least one managed client system when the authenticated administrator system does have authorization to perform the service command. (Batten-Carew , Col. 3 lines 41-61, Col. 4 lines 9-21, Col. 4 lines 32-44, Col. 4 lines 45-67, Col. 5 lines 4-11, Col. 7 line 65 to Col. 8 line 14, Col. 6 lines 9-22)

For claim 20, Batten-Carew teaches, the computer readable medium of claim 19 further comprising (c) validating and decrypting the trusted message in the at least one managed client system to perform the service command. (Batten-Carew , Col. 6 lines 9-22, Col. 4 lines 45-57, Col. 7 lines 30-34, Col. 7 lines 35-48, Col. 7 line 65 to Col. 8 line 14)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Batten-Carew et al. in view of Davis (U.S. Patent 6,181,803).

For claim 8, Batten-Carew teaches, he system of claim 7 wherein the at least one administrator system includes authentication capabilities. (Batten-Carew , Col. 3 lines 41-61, Col. 4 lines 12-21, Col. 4 lines 32-44, Col. 4 lines 45-57, Col. 7 line 65 to Col. 8 line 14)

Batten-Carew fails to clearly disclose, via an embedded security chip for unique system identification and biometric identification for unique user identification.

Davis teaches, via an embedded security chip for unique system identification and biometric identification for unique user identification. (Davis, Col. 2 lines 50-57)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Batten-Carew's method of remote administration via a server interface with Davis' method of biometric authentication in order to create a more secure authentication system. It is well known in the art that passwords are a weak means of authentication and that biometrics provides an added level of security beyond just normal passwords. (Davis, Col. 3 lines 35-45, Davis provided for the use of the authentication system with a computer)

Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Batten-Carew et al.

Batten-Carew fails to clearly disclose, the system of claim 9 wherein the network further comprises a world wide web network.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to make use of the world wide web as a network in order to support easy support, inexpensive overhead cost, and remote availability. (see Batten-Carew , Col. 3 lines 20-26, which provide support that user computer are in remote locations)

(10) Response to Argument

A) Appellant argues, claims 5-7, 9-13, and 19-20 are not properly rejected under 35 U.S.C. 102(b) as being anticipated by Batten-Carew. Appellant summarizes claim 5 then argues the feature "A potential advantage of such a method is that system administrators never have direct access to client's operating system log-ons or security credential."

Examiner would like to note this feature is a benefit of the claim limitation but not a claim limitation or an interpretation of the claim limitation therefore it is not a limiting. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

B) Appellant argues, Batten-Carew Fails to Disclose Isolating Administrative Access to a Plurality of Client Systems in a Computer Network via a Data Center. Appellant argues "isolating administrative access to a plurality of client systems in a computer network via a data center" is different than that which Batten-Carew discloses.

Examiner disagrees, appellant is incorporating intended result of the claim limitation, and therefore appellant is importing limitations from the specification not present in the claim. Batten-Carew teaches "isolating administrative access to a plurality of client system in a computer network via a data center" in order of Batten-

Carew administrator 18 in figure 1 to communicate with end-users 36, 38, 40 those communication must travel through the serving entity 12. Batten-Carew (Col. 4 lines 58-67) discusses transmit an administrative 46 request to the serving entity 12. Which show that the administrator is isolated from end users 36,38,40.

C) Appellant argues, Batten-Carew Fails to Disclose Issuing a Trusted Message from the Data Center to at least one Managed Client when the Authenticated Administrative Does Have Authorization to Perform the Service Command. Appellant argues that Batten-Carew fails to teach "issuing a trusted message from the data center to at least one managed client system."

Examiner disagrees Batten-Carew (Col. 4 lines 9-12) discloses the administrative request were for addition of a public key pair for new end-user an the process requested would include the public key pair for the end-user, and the permission of the administration is verified in the permission matrix (Col. 5 line 4). Appellant further argues interpretation of "trusted message," specifically appellant suggest support for the interpretation that a "trusted message" is an encrypted and has an associated signature is found in paragraph 11 of the specification. Examiner review the suggested portion of the specification but no specific definition is provided, examiner is able to infer from the specification in paragraph 11 that a trusted message is able to singed (not required, since no support is give that it is or is not) and further is transmitted from a trusted third party. Batten-Carew discloses (Col. 4 lines 45-57) that a signature verification is provided with a public key to a administrative entity such that the administrator is able to

issue request to the serving entity on behalf to the end-users (Col. 4 lines 65-67). Also further Batten-Carew disclose that end-user receive a public key (Col.5 line 10-11) which is used to communicate with the encrypted public key message from the serving entity.

D) Appellant argues, The Examiner has not met the basic criteria to establish anticipation. Appellant argues all features of claim 5, 7, 19 are not taught which are the same arguments presented in arguments A, B and C.

Examiner has shown sufficient support and anticipation of Batten-Carew in response to arguments A, B and C examiner has met the criteria established for anticipation.

E) Appellant argues, claim 8 is not properly rejected under 35 U.S.C. 103 (a) as being unpatentable over Batten-Carew in view of Davis. Appellant mealy mention the claim limitation.

Examiner mentions cited portion of Davis (Davis, Col. 2 lines 50-57) as in combination with Batten-Carew as teaching this feature. In addition to the arguments addressed above in A, B and C. —

F) Appellant argues, Davis Fails to Disclose Isolating Administrative Access to a Plurality of Client Systems in a Computer Network via a Data Center. Appellant does not argue any of the features of the dependent claim merely reviews the arguments discussed above.

Examiner respectfully submits that response to arguments address above overcome appellant's arguments in A, B and C.

G) Appellant argues, The Examiner has not met the basic criteria required to establish a prima facie case of obviousness. Appellant does not argue any of the features of the dependent claim merely reviews the arguments discussed above.

Examiner respectfully submits that response to arguments address above overcome appellant's arguments in A, B and C.

Therefore in conclusion examiner has refuted all argument presented by appellant. Clearly showing that Batten-Carew teaches the feature of claims 5-7, 9-13, 19-20, Batten-Carew in view of Davis teaches claim 8 and claim 14 is obvious to one of ordinary skill in the art in view of Batten-Carew .

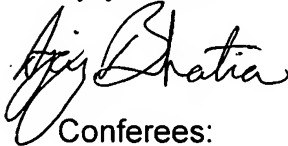
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.


For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Ajay Bhatia



Conferees:



JASON CARDONE
SUPERVISORY PATENT EXAMINER



RUPAL DHARIA
SUPERVISORY PATENT EXAMINER